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**JUL 27 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**RALPH COLEMAN HEDDEN**

Serial No.: 09/732,674

Filed: 12/08/2000

For: Digital Signal Route Determination  
Model for Aviation

Art Unit: 2666

Examiner: Moore Jr., Michael J.

**AFFIDAVIT OF RALPH COLEMAN HEDDEN**

1. My name is Ralph Coleman Hedden, and I am the inventor in the above-referenced patent application.

2. I have been in the Aerospace industry for over 25 years. Most of this time was spent in the electronics and avionics side of the Aerospace industry. I have led the strategic direction for a \$4B Aerospace avionics provider. In addition, I created and implemented the technology development plan for that same provider to enter the Network Centric marketplace. I have participated in technology development discussions with the worlds two largest Aerospace Datalink Service Providers and have participated in contracting for their services. I have participated in numerous industry committees and conferences in various capacities surrounding Aerospace communications. I currently sit on the Aerospace Industry Association sub-committee tasked with defining and building industry acceptance of the future air navigation system. Based on my education and experience, I consider my self an expert in the art of the technology contained in the patent application referred to above.

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3. I have reviewed the office action regarding the pending patent application dated May 11, 2005 as well as the previously filed office actions and responses. I strongly disagree with the Examiner's statement that the prior art reference to Kaplan et al., teaches all of the limitations of the listed claims.

4. Kaplan, et al., teaches a method of manipulation of digital messages by determining or assessing the available routes to determine which route best meets the prioritized criteria from the user. In addition, Kaplan, et al., discusses testing or validating the route as did Iwata, et al.. The method of the Kaplan, et al., patent assumes that at least one property of the data to be transferred is analyzed and includes the step of measuring one variable parameter for at least one path. From this analysis, the method of the Kaplan, et al., patent determines which path should be used. In addition, the Kaplan, et al., patent envisions choosing a path that provides an optimal set of characteristics. Kaplan, et al., like Iwata, uses an active system to select a route.

5. Kaplan, et al., does not disclose, discuss or imply the feature of tagging and the basic concept of overlay software and how they are utilized to select a Datalink Service Provider. Kaplan, et al., teaches that user priorities are stored in memory and automatically accessed as required. These priorities are then weighted by a multiplier based on certain criteria. See column 6, lines 29-42. In addition, Kaplan, et al., validates or tests the route, as taught by Iwata, the prior art cited by the Examiner in the previous office action. Kaplan, et al., does not discuss or imply the use of any type of tag.

6. In the present claims, a user manually selects his prioritization criteria based on the advertised route criteria. No validation or testing takes place. No weighting takes place; the user uses the advertised criteria of the route as provided by

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the Datalink Service providers. The prioritization criteria is not kept in a memory, but is manually selected by the user from a list or brochure provided by the different Datalink Service providers. The route expectations are part of an overlay software which reviews each message tag and determines which advertised route best meets the tag. "Tag" as defined in the specification is like a flag. For example, the overlay software reviews each message tag and if the tag is "hypothetically" red, all the messages that are tagged red are sent via a first route. If the tag is blue, all the messages tagged blue will be sent via a second route. Kaplan, et al., or the combination of Kaplan, et al., and any of the other cited prior art does not teach or imply this unique combination of features.

7. I am familiar with several publications and other experts in similar art areas, and they would also vigorously disagree with the contentions made by the Examiner.




STATE OF ARIZONA  
COUNTY OF MARICOPA

Subscribed and sworn to before me this 26<sup>th</sup> day of July, 2005, by  
Ralph Coleman Hedden.



My Commission Expires: May 8, 2008

  
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